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STTA Diane Thompson Report of November 2010 Mission to Beirut On Information and Transparency Obligations Of the WTO TBT Agreement

SUPPORT FOR LEBANON'S ACCESSION TO THE WORLD TRADE
ORGANIZATION (WTO) PROJECT
FROM BOOZ ALLEN HAMILTON
TO USAID

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ORGANIZATION (WTO) PROJECT

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TO USAID LEBANON ECONOMIC GROWTH OFFICE

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Abbreviations and Acronyms

CEN	European Committee for Standardization
CENELEC	European Committee for Electrotechnical Standardization
ETSI	European Telecommunications Standards Institute
EU	European Union
GOL	Government of Lebanon
IEC	International Electrotechnical Commission
ISO	International Organization for Standardization
ITU	International Telecommunication Union
LIBNOR	Lebanese Standards Institution
MOET	Ministry of Economy and Trade
SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures
TBT Agreement	Agreement on Technical Barriers to Trade
USAID	United States Agency for International Development
WTO	World Trade Organization

1. BACKGROUND

The United States Agency for International Development (USAID), through a contract with Booz Allen Hamilton, is providing technical assistance to the Ministry of Economy and Trade (MOET) of the Republic of Lebanon to complete the process of Lebanon's accession to the World Trade Organization (WTO). Activities under this project include building the capacity within the GOL institutions to meet the WTO obligations, introducing the necessary reforms to comply fully with all the WTO agreements, and building internal support for WTO accession to ensure sustainability of the reforms and maximization of the benefits from accession. This is a report of the mission to Beirut that took place during November 2010 related to the information and transparency obligations of the *WTO Agreement on Technical Barriers to Trade* (TBT), one of the agreements to which WTO members must adhere.

The purpose of the TBT Agreement is to reduce obstacles to global trade resulting from differences between technical requirements such as technical regulations, standards, and procedures for assessing conformity to these requirements (e.g. testing, inspection, and certification). The TBT Agreement applies to the technical requirements for all products, with the exception of sanitary (human and animal health) or phytosanitary (plant health) measures, which are covered by the *WTO Agreement on the Application of Sanitary and Phytosanitary Measures* (SPS). The WTO requirements for transparency specify that these measures must be made public at the draft stage to allow for comments and early enough in the process to give time for manufacturers and producers to conform to the new or amended measures. The transparency obligations also require members to notify these measures to the WTO Secretariat for distribution to other members.¹

A key principle and fundamental obligation of the WTO TBT and SPS agreements is that of *transparency* in the development of technical regulations, standards, and

1.1 Notification Authority

Under the TBT Agreement, WTO members must designate a government body (the "Notification Authority") to be responsible for monitoring proposed and adopted technical regulations and conformity assessment procedures of their central government, determining the trade significance of these measures, and submitting notifications to the WTO Secretariat if the measures are considered to have a potential impact on trade with other members.

The procedures for notifying regulatory measures and conformity assessment

¹ Transparency obligations are found throughout the *WTO Agreement on Technical Barriers to Trade*. Articles 2.9, 2.10, 5.6, 5.7, and 10.7 address the key transparency requirements.

requirements have been agreed to by the TBT Committee, which is comprised of representatives of the members of the WTO. These procedures are detailed and explained in several TBT Committee documents, including the following: *Notification Procedures* (G/TBT/W/153, 29 January 2001), *Transparency Requirements and Procedures* (G/TBT/W/250, 16 February 2005), and *Decisions and Recommendations Adopted by the Committee Since 1 January 1995* (G/TBT/1/Rev.9, 8 September 2008).

1.2 Enquiry Point

More than 80 percent of global product trade is affected by standards and technical regulations that incorporate standards.² Yet, often it is difficult for manufacturers and producers to obtain information about the technical requirements that their products must meet to be sold in other countries. Recognizing this problem, both the SPS and TBT agreements require the establishment and operation of Enquiry Points - information centers that are responsible for responding to requests from other WTO members about the technical requirements for products in effect in its country.

The formation of TBT and SPS Enquiry Points throughout the world is one of the benefits of membership in the WTO and a significant resource for exporters, importers, regulatory authorities,

The services of these Enquiry Points also are available for domestic users, including manufacturers, producers, exporters, regulatory authorities, and other organizations that need information about standards, technical regulations, and conformity assessment procedures. In addition, each Enquiry Point is able to request information from the other WTO members about the foreign technical requirements applicable to the products in which their users have a trade interest.

The types of services provided by the Enquiry Point will be as diverse as its users and limited by the resources available. These services may include any or all of the following:

- assistance in identifying specific standards, applicable technical regulations, and information about conformity assessment requirements
- circulation of publications internally to staff of the organization
- compilations of standards information
- providing copies of documents, or identification of cost and source if available from other suppliers
- access to standards information on CD-ROM/DVD or through the Internet
- development of information tools for announcing new standards, technical regulations, and conformity assessment procedures such as catalogues, newsletters, website, or alert services

² Organization for Economic Cooperation and Development (OECD), *Regulatory Reform and International Standardization*, TD/TC/WP (98) 36, January 1999

The types of requests handled by an Enquiry Point ranges from simple questions such as “What is ISO?” or “What is the U.S. equivalent of IEC 60950?” to “Are children’s toys regulated in the EU” and complex enquiries involving research on the standards, technical regulations, and certification procedures for exporting particular products to specific countries. The staff of the Enquiry Point does not need to have technical competence in all subject areas, considering that requests for information will cover a wide variety of sectors. Rather, the staff uses a variety of internal resources and reference materials and external contacts to respond to these requests.

2. OBJECTIVES OF THE MISSION

As part of the USAID project related to Lebanon’s accession to the WTO, Booz Allen Hamilton engaged Thompson Consulting, Inc. to provide technical assistance to the Government of Lebanon through the national standards institution (LIBNOR) and in cooperation with the Ministry of Economy and Trade concerning the establishment of a TBT Enquiry Point at LIBNOR in accordance with the requirements of the WTO TBT Agreement. Diane Thompson, President of Thompson Consulting, Inc. travelled to Beirut during November 2010 to:

- a) assess Lebanon's readiness for compliance with the WTO TBT Agreement related to the functioning of the Enquiry Point and Notification Authority;
- b) develop an action plan for the next steps to be taken by the Lebanese government to meet their TBT information and transparency obligations;
- c) draft a comprehensive road map for the establishment of the TBT Enquiry Point, including assessing the needs of LIBNOR in equipment and human capital, training courses, data base, etc.;
- d) lay down a methodology to collect data required for the Enquiry Point;
- e) identify the role, structure and scope of the Enquiry Point to be established at LIBNOR;
- f) set up a mechanism to manage the relationship between the Enquiry Point and other stakeholders namely the Notification Authority to avoid overlapping and enhance transparency; and
- g) provide information on best practices adopted by other Enquiry points established in countries with similar background as Lebanon.

3. KEY FINDINGS AND ACTIVITIES

During the mission, Ms. Thompson met with the key personnel concerned with the establishment and operation of the TBT Enquiry Point and Notification Authority in Lebanon, including staff of the Lebanese Standards Institution (LIBNOR) and the Ministry of Economy and Trade (MOET) – see Annex A for a list of persons met during the mission. Key findings and activities related to the mission objectives and additional activities carried out during the mission are described in this section.

3.1 The Enquiry Point and Notification Authority in Lebanon

Two of the requirements of the TBT Agreement – the establishment of an

Enquiry Point and a Notification Authority – are essential components of Lebanon’s WTO accession process. This section describes Ms. Thompson’s assessment of the current situation in Lebanon with regard to these activities.

3.1.1 Notification Authority

The Ministry of Economy and Trade will function as the Notification Authority in Lebanon; Rita Feghali will be responsible for these duties. Ms. Thompson met with Ms. Feghali during this mission, primarily at a meeting of the persons responsible for the TBT and SPS Enquiry Points (see section 3.6 for information about this meeting). Ms. Feghali also participated in the seminar on the roles and responsibilities of the Enquiry Point and Notification Authority presented by Ms. Thompson (see section 3.8.2), as well as in the meeting of the Lebanese TBT Committee (see section 3.2).

Ms. Feghali has a good understanding of the transparency requirements of the TBT Agreement and the obligations with regard to notification of regulatory measures. Since Lebanon is not required to submit notifications under the TBT Agreement until it is a WTO member, no action is required at the present time. However, it is recommended that training specific to the functioning of the Notification Authority be given to Ms. Feghali (and at least one other MOET staff as backup) in advance of Lebanon’s accession to the WTO, so that the country is ready to implement the notification requirements promptly upon joining the WTO.

3.1.2 TBT Enquiry Point

It is logical that the LIBNOR Information Center has been designated as the TBT Enquiry Point for Lebanon. Currently, the Information Center staff provides information about Lebanese national standards to clients from Lebanon and those from other countries. Information about foreign, regional, and international standards also is provided to stakeholders in Lebanon.

The Information Center also functions as the sales office for Lebanese standards in addition to serving as the agent in Lebanon for the sale of standards and related publications from the International Organization for Standardization (ISO), the International Electrotechnical Commission (IEC), the British Standards Institution, and the Cyprus Organization for Standardization.³

The LIBNOR Information Center currently responds to approximately 50 enquiries per month, with the majority of requests coming from companies in Lebanon. Not included in this number are the information and sales

³ The revenue generated from the sales of standards is not retained by LIBNOR, rather it goes to the Ministry of Finance.

requests received from other departments at LIBNOR, such as from staff in the Technical Department responsible for the development of Lebanese standards. The Information Center also provides support to the LIBNOR Technical Committee (TC) coordinators with regard to participation in ISO TCs and monitoring of the LIBNOR balloting of ISO standards. Requests for information regarding conformity assessment requirements in Lebanon are referred to the department in LIBNOR responsible for the NL mark.⁴ Enquiries related to technical regulations are referred to the appropriate ministry in Lebanon.

The resources used by the Information Center in responding to enquiries include a collection of the national standards of Lebanon; the websites and catalogs of foreign, regional, and international standards; and in cases where LIBNOR has agreements, access to the standards published by such organizations as the European Committee for Standardization (CEN), ISO, and the Syrian Arab Organization for Standardization and Metrology (SASMO). A library of standards and related publications is managed by the staff of the Information Center. This collection is available for on-site review by internal and external users.

The LIBNOR Information Center maintains a listing of all Lebanese standards in an Excel spreadsheet, which is used to produce an annual catalog of national standards as well as lists of selected standards by industry, for distribution at forums and other sector-specific events. A separate database of national standards is searchable on the LIBNOR website, providing information about Lebanese standards (such as document number, title, year, price, mandatory status, etc.). Users can easily search this online database; however, e-commerce is not available. Orders are fulfilled by the Information Center upon receipt of payment.

Two persons work in the LIBNOR Information Center: Maya Norah (Information Officer) and Ali Hamden (Editor), a recent hire at LIBNOR. A new position (Head of the Information Center) has been approved but not yet filled. Ms. Norah has the necessary skills and experience to respond promptly and completely to enquiries related to standards and is doing a good job in this regard. These skills will be invaluable when the TBT Enquiry Point is launched. With additional training and resources (see sections 3.3.2 and 3.3.5), it should not be difficult for the staff of the Information Center to carry out the duties required under the TBT Agreement.

3.2 Meeting the TBT Information and Transparency Obligations

Many WTO members have set up advisory groups where relevant government authorities and other stakeholders communicate on matters

⁴ The NL mark is a voluntary mark given by LIBNOR indicating the conformity of products to Lebanese national standards.

related to the TBT Agreement, an effort that is encouraged by the WTO.⁵ In preparation for its role as the TBT Enquiry Point, LIBNOR has established the “Committee on Technical Barriers to Trade” comprised of representatives from the ministries and agencies in Lebanon that are responsible for issuing technical regulations. LIBNOR serves as the Secretariat and Chair of the TBT Committee. The Committee has met twice; the first meeting took place in August 2010 and the second meeting was held in November during Ms. Thompson’s visit to Beirut. The following government departments and agencies are represented on the TBT Committee:

- Council of Ministers
- Ministry of Finance
- Ministry of Industry
- Ministry of Economy and Trade
- Ministry of Defense
- Telecommunications Regulatory Authority
- Customs
- Ministry of Environment
- Ministry of Transportation
- Industrial Research Institute

The two primary functions of the Committee are to: (1) give support to LIBNOR to update and maintain the database of Lebanese technical regulations developed by QUALEB,⁶ and (2) provide contacts for ongoing communication with the TBT Enquiry Point to enable prompt and complete responses to requests from other WTO members for information about the technical requirements for products sold in Lebanon.

Establishment of the TBT Committee in Lebanon is a positive step towards meeting the information and transparency obligations of the TBT Agreement. The Committee serves to build competence on TBT issues in the ministries and promote networking between the Enquiry Point, Notification Authority, and relevant regulatory authorities in Lebanon.

However, the current procedures used in Lebanon for the development of

⁵ The value of such a coordinating mechanism has been documented by the WTO TBT Committee: “the Committee notes the usefulness of a Member establishing administrative mechanisms for coordination between competent authorities. It notes that a number of Members have set up TBT coordinating committees to facilitate communication and cooperation between relevant government authorities. The Committee also emphasizes the importance of including local governments as well as non-governmental parties in the domestic consultation activities.” *Fourth Triennial Review of the Operation and Implementation of the Agreement on Technical Barriers to Trade Under Article 15.4* (G/TBT/19, 14 November 2006)

⁶ QUALEB, the Quality Program of the Ministry of Economy and Trade, is a project funded by the European Union. A database of the technical regulations of Lebanon was developed under this program; the information in this database is current to the end of 2009.

technical regulations and conformity assessment procedures do not meet the transparency requirements of the TBT Agreement. It is necessary that these measures are made public at the draft stage. Currently, technical regulations are published in the official gazette of Lebanon after they are approved by Parliament and promulgated by the President. In addition, Decisions that affect the technical requirements for products are issued directly by ministries; however, these Decisions are not made available for public review and comment at the draft stage.

Accordingly, to meet the obligations of the TBT Agreement related to transparency and information, it is recommended that the GOL:

1. Revise the procedures for issuing technical regulations and ministerial Decisions in Lebanon to enable the Notification Authority to be aware of, and notify, relevant regulatory measures to the WTO Secretariat at the draft stage.
2. Establish procedures for the regulatory authorities in Lebanon to inform the Enquiry Point of any new or revised technical requirements for products (see section 3.4 for further discussion of this issue).

In addition, it is recommended that the following steps be taken to improve the functioning of the TBT Committee:

1. Determine the appropriate legal framework for the TBT Committee (e.g. a Decision of the Council of Ministers) or another mechanism, such as a Memorandum of Understanding (MOU). Implement the appropriate instrument.
2. Expand the membership of the TBT Committee to include all relevant stakeholders from both the public and private sectors in Lebanon. An ongoing dialog with stakeholders through the TBT Committee will facilitate participation by Lebanon in the WTO TBT Committee and enhance the benefits of WTO membership.
3. Develop Terms of Reference for the TBT Committee (see Annex B for a draft). This also could be incorporated in the legal instrument above.

3.3 Establishing the TBT Enquiry Point

To function efficiently and effectively as the TBT Enquiry Point, the LIBNOR Information Center must have trained personnel; written procedures; suitable equipment and software; a relevant, complete, and up-to-date reference collection; promotional tools; and adequate financing. These elements are addressed in this section.

3.3.1 Personnel

The number of staff required for the Enquiry Point is dependent upon the volume of work and the desired time for responding to enquiries. At a minimum, two persons should be designated as having responsibility for the functions of the Enquiry Point, recognizing that each person may spend only a portion of their time on specific Enquiry Point tasks.⁷ Having at least two persons knowledgeable in the work of the Enquiry Point provides the necessary backup to take into account staff travel, vacations, or other absences. Furthermore, with more than one staff member there is opportunity to specialize in various aspects of the operation of the Enquiry Point. For example, one person may be responsible for keeping the reference collection up-to-date and another maintains the databases, while all staff answers enquiries.

The level of staffing in the LIBNOR Information Center is adequate for the present workload. However, additional personnel eventually will need to be hired to handle the increased number and complexity of requests for information not being provided currently, such as enquiries about technical regulations and conformity assessment requirements in Lebanon. In addition, once the Enquiry Point is operational and its services are promoted, it is expected that the volume of requests for information will increase. It is recommended that LIBNOR monitor the volume of enquiries handled by the Enquiry Point. The vacant position of Head of the Information Center should be filled when the volume of enquiries handled by the TBT Enquiry Point warrants additional staff.

It should be noted that there is no need to wait until Lebanon has become a member of the WTO before establishing the Enquiry Point. Stakeholders in Lebanon should benefit from this enhanced information service as soon as possible.

3.3.2 Training

While Ms. Thompson carried out some basic training of Enquiry Point staff during the mission (see section 3.8.1), they are encouraged to take part in other training opportunities such as regional or international meetings and workshops, and take advantage of bilateral technical assistance programs that may be available. Enquiry Point staff will benefit from ongoing capacity building through participation in additional training sessions, workshops, seminars, and study tours, etc. to augment their current knowledge of Enquiry Point operations. In particular, taking part in regional and international events is an effective training method as participants are at different levels of experience in the operation of an Enquiry Point, providing the opportunity to learn from one another.

⁷ Other duties carried out by LIBNOR Information Center staff include support for the Technical Department and fulfilling sales orders.

With regard to the Enquiry Point in Lebanon, the following training is recommended:

- a) Study Tour: It is recommended that Ms. Norah participate in a study tour of an established Enquiry Point in the Arab region to learn first-hand the daily operations of an Enquiry Point. The TBT Enquiry Points in Jordan or Turkey are suggested as suitable venues for such a study tour. Funds should be allocated for this training in the next year.
- b) On-Site Training: Additional hands-on training in the day-to-day operation of an Enquiry Point is recommended to reinforce what was learned in the initial training and during the study tour.
- c) WTO Meetings: The WTO TBT Committee holds a meeting of persons responsible for Enquiry Points⁸ biannually in Geneva to provide WTO members with an opportunity to discuss issues relating to information exchange and to review the operation of Enquiry Points and the functioning of notification procedures. It is recommended that staff from the Enquiry Point in Lebanon attend all future meetings (as an observer until Lebanon is a member of the WTO) to benefit from interacting with their counterparts from other countries.
- d) On-The-Job Training: Interacting with members of the standardization community through participating in relevant local events, as well as reading reports, periodicals, journals, newsletters, etc. published by standards bodies will help to maintain an awareness of the current issues of importance to stakeholders.
- e) Courses: Training to improve administration and operational skills, such as customer service, managing staff, library functions (indexing, cataloging), computer training, marketing, etc. will be of benefit to Enquiry Point staff.
- f) Database: Training will be required to maximize the use of the database chosen by the Enquiry Point to facilitate responding to enquiries about standards and related information (see section 3.3.5).

3.3.3 Procedures

The development of operating procedures to document the various tasks of the TBT Enquiry Point will help to ensure consistency in the way that staff handles these tasks. Furthermore, detailing the procedures that are used often leads to identification of areas for improvement. In addition, having written procedures makes it easier to train new staff. Examples of

⁸ The "Sixth Special Meeting on Procedures for Information Exchange" took place at the WTO headquarters in Geneva, Switzerland during June 2010.

procedures required for the Enquiry Point include those that address:

- handling requests for information
- acquisition of reference materials
- storage of reference materials
- database management
- record-keeping
- reporting
- promotion of Enquiry Point services and products
- disseminating TBT notifications in Lebanon

Because LIBNOR has implemented a quality management system and is certified to ISO 9001,⁹ many of the procedures required by the TBT Enquiry Point have already been developed for the Information Center (e.g. S4P1, *Inquiries and Sales Expediting Process*, and S2P1, *Maintenance of Standards Databank*). These procedures should be reviewed and updated to ensure that they are applicable to the TBT Enquiry Point operations. New procedures to be developed include those for acquiring reference materials, disseminating notifications to stakeholders in Lebanon, and reporting.

3.3.4 Equipment

The office equipment currently used by the LIBNOR Information Center is adequate for staff to carry out the duties of the Enquiry Point. This equipment includes:

- computers with internet access and email (one for each staff)
- telephones (one for each staff)
- fax machine
- photocopier
- printer
- binder

The computers used by the Enquiry Point staff is equipped with standard office software such as Microsoft Word and Excel. It is important that the software used by the Enquiry Point is up-to-date and compatible with that used in the rest of the organization as well as with the Enquiry Points of other WTO members.

In addition, it is recommended that a computer workstation be available for on-site review of standards and related technical information by external

⁹ Quality management systems define the internal procedures used by organizations to control variables in design, production, and handling to ensure consistent quality of products or services that meet specified requirements. ISO 9001 is the international standard for quality management systems. Certification to ISO 9001 is verification by an independent third party that the organization conforms to the requirements specified in the standard.

users. This should be located in an area outside the LIBNOR Information Center to allow for a quiet working environment.

3.3.5 Reference Materials

The reference collection is the basic tool that supports the services of the Enquiry Point. Clients should be provided with the information they require without concern whether or not the reference materials being used by the Enquiry Point staff is accurate, complete, and up-to-date.

Having an adequate library of reference materials is essential to enable Enquiry Point staff to respond to requests both from within Lebanon and from other WTO members. At a minimum, the Enquiry Point should have copies of all of the technical regulations and national standards of Lebanon, in addition to information about conformity assessment programs in effect in the country. As the ISO member for Lebanon, LIBNOR has access to the ISO standards online and is able to download the documents as needed for internal use.

In addition, it is recommended that LIBNOR subscribe to a commercial database of standards information to facilitate searching for standards for all sectors from a wide variety of sources. Examples of such databases include Perinorm, a multilingual database (English, French, and German) developed by the national standards bodies of Britain, France, and Germany. This product is available for a fee as an annual subscription with monthly updates, on DVD and online in two versions – Perinorm Europe¹⁰ and Perinorm International.¹¹ Another such resource is Standards Expert™ available from IHS, a US-based company with dealers and agents worldwide.¹² A third option is SAI Global's Standards Infobase.¹³ LIBNOR should request quotations from all three suppliers to determine the most cost-effective service that will meet the needs of the Enquiry Point.

There are several advantages to having this type of electronic tool in the reference collection as a resource to support the Enquiry Point:

- Using electronic tools saves time over searching catalogs manually or

¹⁰ Perinorm Europe contains information about current, historical, and draft standards, including the national standards of the European countries. The database also includes information about the standards of CEN, CENELEC, and ETSI as well as those published by IEC, ISO, and ITU.

¹¹ Perinorm International contains information about the national standards of Australia, Canada, Japan, and South Africa, as well as selected U.S. industry standards in addition to all of the information found in Perinorm Europe. In total, Perinorm International contains more than 1,100,000 records.

¹² Standards Expert™ is a comprehensive database of more than one million documents from over 370 standards developers worldwide.

¹³ Standards Infobase contains information on more than one million standards from some 400 standards publishers.

- online searching of individual websites.
- Traditional tools, such as catalogs, usually include only standards from one organization whereas databases such as those described above include information from many sources, thereby saving search time.
- The quality and currency of the information available on the websites of standards developers varies substantially.
- It is difficult to know which standards developing organization may have information that is relevant to a specific enquiry. Consequently, Enquiry Point staff may not search all possible websites for the information they require.

3.3.6 Promotion

A variety of promotional efforts should be utilized to create ongoing awareness of the products and services available from the Enquiry Point. Examples of such promotional tools include the following:

- a) Website: A presence on the Internet is essential in today's electronic world. A section of the LIBNOR website should be developed to communicate information about the TBT Agreement and the services of the Enquiry Point.
- b) Brochure: A brochure a basic promotional tool that can be used to communicate information about the services available from the Enquiry Point to potential users. The brochure can be used in a variety of venues and included in mailings.
- c) Launch Event: It is recommended that a special event be held to launch the official opening of the TBT Enquiry Point. This will help to promote the services of the Enquiry Point and create further awareness of the benefits of membership in the WTO.
- d) Press Releases: A press release is a low cost promotional tool that can be effective. Press releases may be issued to announce a new service or product of the Enquiry Point. Staff should establish a list of press contacts, including those at newspapers, technical journals, periodicals, and other such publications.
- e) Publicity Articles: Another low cost way to generate interest in, and awareness of, the products and services of the Enquiry Point is to write articles about such subjects as the TBT Agreement, the Enquiry Point, standards, etc. for publication in periodicals, newsletters, journals, and newspapers.
- f) Conferences, Exhibitions, etc.: Participation in events such as conference, trade shows, and exhibitions offer opportunities to promote the services of the Enquiry Point.
- g) Presentations: Making presentations at conferences and meetings is

another way to make others aware of the products and services of the Enquiry Point.

- h) Partners: The Enquiry Point should work with regulatory authorities, Chambers of Commerce, associations, and others to distribute brochures, co-sponsor events, publish articles, and take advantage of opportunities to promote its products and services.

3.3.7 Financing

Adequate financial resources will be required for the ongoing operation of the Enquiry Point. The budget for the enquiry Point must take into account the following:

- personnel
- office space (sufficient for the number of staff, plus space for office equipment, reference collection, etc.)
- telecommunications (telephone, fax, email, Internet access)
- equipment (rental and/or purchase, plus maintenance)
- software
- materials for the reference collection
- database services
- office supplies
- postage
- promotion
- training
- travel

Since the revenue generated from the sale of standards by the Information Center is not retained by LIBNOR, all of the financial resources required to operate the Enquiry Point will have to come from the funds that LIBNOR receives.

3.4 Maintaining Information for the TBT Enquiry Point

It is essential that procedures be established for collecting and maintaining all of the information used by the Enquiry Point to respond to requests. LIBNOR already has a database of national standards of Lebanon and has developed procedures related to database maintenance. In addition, the electronic standards products described in section 3.3.5 are updated on a regular basis from the suppliers. However, currently there is no such mechanism for updating information about the technical regulations and conformity assessment requirements for products sold in Lebanon.

During the mission, it was noted that the Customs authority of Lebanon has created a database of product requirements, organized by product and HS

code.¹⁴ It is recommended that the TBT Enquiry Point have access to this database to enable staff to identify the technical requirements for products sold in Lebanon. Procedures should be developed to ensure that this information is available to the Enquiry Point on an ongoing basis.

Furthermore, it is recommended that LIBNOR establish procedures for collecting regulatory information from the ministries. Utilizing the contacts from the TBT Committee, Enquiry Point staff should develop a system for regular updating of the database of technical regulations and conformity assessment requirements. It was suggested at the meeting of the TBT Committee that a weekly email reminder could be sent from LIBNOR to Committee members to solicit any new information of relevance to the Enquiry Point. Other methods for updating also should be explored.

3.5 The TBT Enquiry Point in Lebanon

The section outlines the role, structure, and scope of the TBT Enquiry Point to be established at LIBNOR. A graphic representation of the information flow between the Enquiry Point, Notification Authority, stakeholders in Lebanon, the WTO, and other member countries is included to provide an understanding of the linkages within Lebanon and with organizations outside the country.

3.5.1 Role of the TBT Enquiry Point

The primary role of the TBT Enquiry Point in Lebanon will be to assist users in identifying and obtaining information concerning standards, technical regulations, and conformity assessment procedures for products sold in Lebanon and for products exported to other countries by Lebanese companies. In cases where the Enquiry Point is not able to provide a response, or the enquiry is not related to subjects that fall under the scope of the Enquiry Point (for example, SPS issues), staff should refer users to other organizations in Lebanon as appropriate.

The Enquiry Point also will be responsible for supplying copies of the relevant documents related to notifications from Lebanon, and for any other documents that fall under its scope of services (see section 3.5.3). If these documents are sold, the Enquiry Point should make them available for purchase or refer users to the sources of supply. The Enquiry Point also should provide access to these documents for on-site review.

The information contained in the notifications issued by WTO members is of value and should be distributed as widely as possible to stakeholders in Lebanon. It is recommended that the Enquiry Point develop an electronic

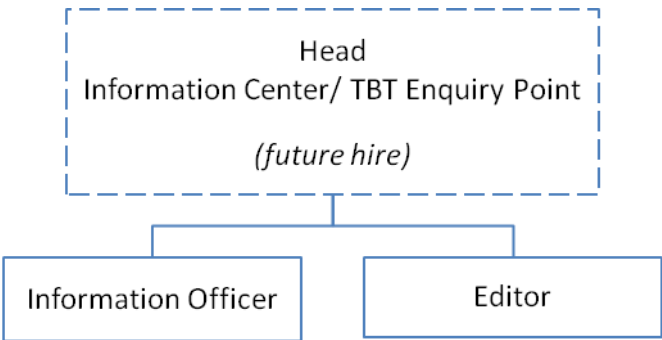
¹⁴ The Harmonized Commodity Description and Coding System (HS) is an internationally standardized system developed and maintained by the World Customs Organization consisting of names and numbers for classifying traded products. The HS Code is used as a basis for customs tariffs and for the collection of international trade statistics.

alert service to disseminate notifications issued under the TBT agreement.¹⁵ Such a service provides subscribers with the opportunity to access, review, and comment on draft regulatory measures proposed by WTO members before they come into law. This will help Lebanese exporters to be informed about changing technical requirements that could affect their products, maximizing the benefits of WTO membership for Lebanon.

Several WTO members have developed alert services for disseminating information about notifications (for example, Brazil, Canada, Ghana, Korea, Malaysia, the Philippines, Trinidad and Tobago, the United Arab Emirates, and the United States of America). The Standards Council of Canada (SCC) offers a program whereby, for a fee, countries can have the SCC service customized for their own use. It is recommended that LIBNOR consider this approach and compare the cost to develop its own alert service with the fee charged by SCC.

3.5.2 Structure of the TBT Enquiry Point

The current staff structure of the Information Center at LIBNOR is suitable for the work of the TBT Enquiry Point. As noted, it is recommended that two staff be responsible for the work of the Enquiry Point, with additional personnel added as the workload increases. The current and future structure is shown below:



3.5.3 Scope of the TBT Enquiry Point

According to the TBT Agreement, the Enquiry Point is responsible for:

¹⁵ The TBT and SPS Enquiry Points could develop an alert service together so that users could receive information about notifications issued under both the TBT and SPS agreements from one central source.

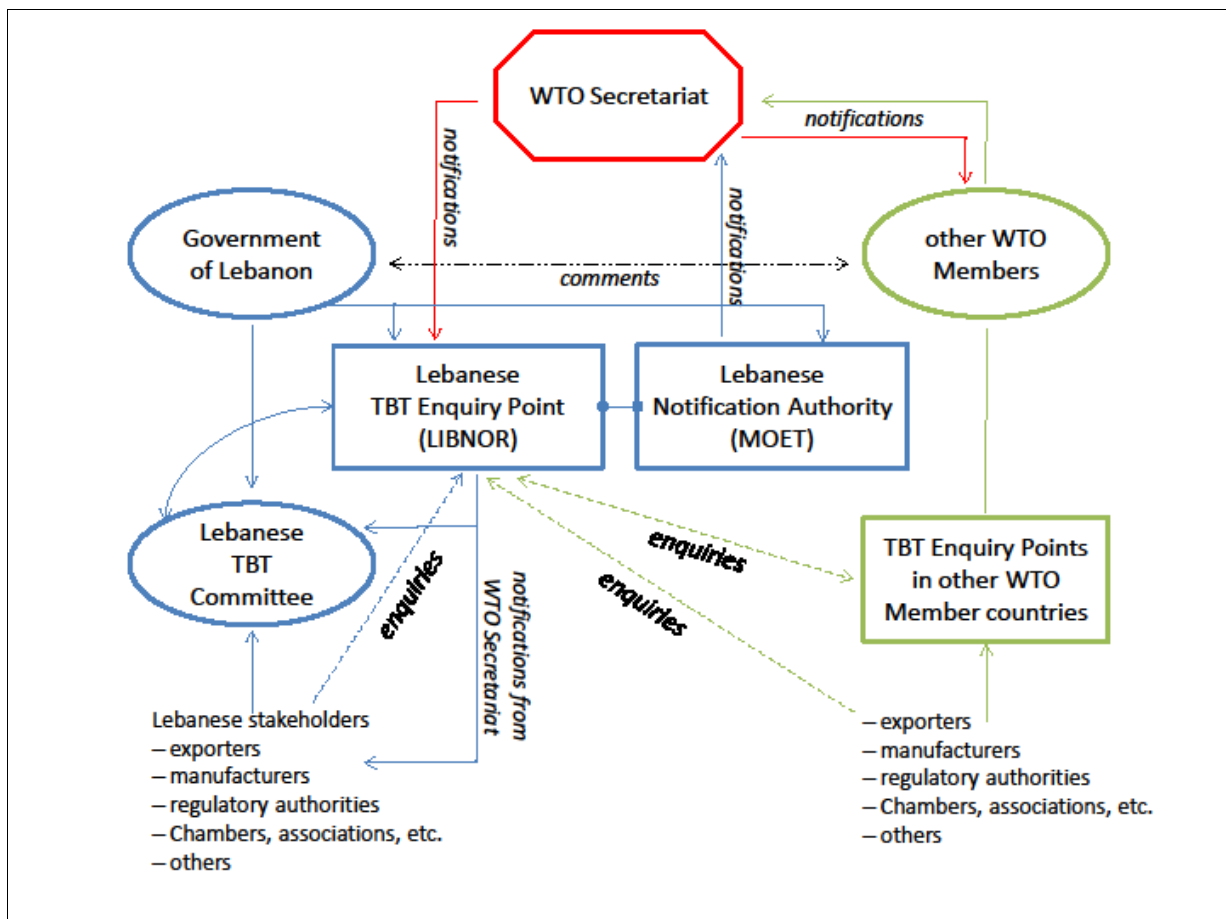
- a) answering all reasonable questions related to the technical requirements for products sold in Lebanon
- b) providing relevant documents regarding technical regulations, mandatory and voluntary standards, and mandatory and voluntary conformance assessment procedures in Lebanon
- c) providing information about membership in international and regional standardizing bodies and conformity assessment systems by authorities and standards bodies in Lebanon
- d) providing information about standards-related bilateral and multilateral arrangements to which Lebanon is a party

In addition to these duties, once Lebanon is a member of the WTO, it is recommended that the TBT Enquiry Point also be responsible for providing copies of the full text of notified measures to other WTO members on request,¹⁶ and for handling any comments received by other members concerning notifications from Lebanon. As noted in section 3.5.1, the Enquiry Point also should be responsible for disseminating notifications to stakeholders in Lebanon using an electronic alert service.

3.5.4 Information Flows

The following graphic illustrates the information flows between the WTO Secretariat, the GOL, Enquiry Point, Notification Authority, WTO members, and stakeholders:

¹⁶ Making this information available on the Enquiry Point website will facilitate providing the full text of the regulatory measures related to notifications from Lebanon.



Source: graphic developed by Thompson Consulting, Inc.

3.6 Coordinating Enquiry Point and Notification Authority Activities

Coordination between the TBT and SPS Enquiry Points and the Notification Authority is essential to ensure that requests for information are handled completely if they pertain to both TBT and SPS issues, and if regulatory measures in Lebanon fall under both agreements.¹⁷ In addition, both Enquiry Points must be aware of the notifications issued by Lebanon, and they must have copies of the full texts of documents relevant to these notifications. Furthermore, it may be cost-effective to work together on shared services, such as the alert service to disseminate notifications from WTO members to stakeholder in Lebanon.

During the mission, Ms. Thompson convened a meeting of the persons responsible for the TBT Enquiry Point (Maya Norah), the SPS Enquiry Point (Lamyia El Tawm), and the Notification Authority (Rita Feghali) to review the

¹⁷ A technical regulation may have requirements that fall under the both agreements. "When a regulation contains both SPS and TBT measures, it should be notified according to both the SPS and TBT Agreements, preferably with an indication of which parts of the regulation fall under the SPS Agreement (e.g. a food safety measure) and which parts fall under the TBT Agreement (e.g. quality or compositional requirements)." - Article 43, WTO SPS Agreement

requirements and responsibilities of the three entities, discuss procedures for coordinating activities, and exchange contact information. It is recommended that regular meetings of these staff take place to ensure ongoing communication.

3.7 Best Practices

Information about best practices adopted by other Enquiry Points was given to Ms. Norah during the mission. Examples included procedures used for responding to enquiries, websites, and a national coordinating committee structure.

3.8 Additional Activities

3.8.1 Training

In addition to the activities undertaken in support of the mission objectives, Ms. Thompson spent a considerable amount of time conducting training sessions with the staff of the LIBNOR Information Center. This training focused on the operation of the TBT Enquiry Point and included an overview of the requirements of the TBT Agreement, and lessons on tools and resources for responding to enquiries, information products and services, management of the Enquiry Point, and promotion. Ms. Thompson also worked with Ms. Norah on practical exercises in locating information on the WTO website, searching for standards online, and responding to enquiries. See Annex C for a schedule of these training sessions.

As part of this training, Ms. Thompson provided LIBNOR with resource materials to reinforce the lessons and for further reference (see Annex D for a list of these materials).

3.8.2 Seminar

On November 11th, Ms. Thompson presented a seminar on the WTO TBT Agreement - Roles and Responsibilities of the Enquiry Point and Notification Authority (see Annex E for details of the program and Annex F for a list of attendees). The purpose of the seminar was to create awareness among the relevant stakeholders in Lebanon (including LIBNOR, government authorities, and the private sector) concerning the transparency and information obligations of the TBT Agreement, as well as the benefits of the Enquiry Point. Participants learned about the responsibilities of the Enquiry Point and Notification Authority as well as the obligations of the regulatory authorities in Lebanon with regard to transparency. An overview of the TBT *Code of Good Practice for the Preparation, Adoption and Application of Standards* also was part of the program.

The seminar included two breakout sessions where participants were organized into smaller groups to discuss the following:

- How can the TBT Enquiry Point/Notification Authority in Lebanon be of most benefit to the country?
- What should be done to maximize the effectiveness of the regulatory authorities in Lebanon to meet the country's WTO TBT responsibilities?

The points raised in these group discussions are summarized in Annex G.

4. RECOMMENDATIONS

Following is a summary of the recommendations and next steps for this project:

1. Training specific to the functioning of the Notification Authority should be given to Ms. Feghali (and at least one other MOET staff as backup) in advance of Lebanon's accession to the WTO, so that the country is ready to implement the notification requirements promptly upon joining the WTO.
2. The procedures for issuing technical regulations and ministerial Decisions in Lebanon should be revised to enable the Notification Authority to be aware of, and notify, relevant regulatory measures to the WTO Secretariat at the draft stage.
3. LIBNOR should establish procedures for collecting regulatory information from the ministries on a regular basis.
4. Determine the appropriate legal framework for the TBT Committee and implement.
5. The membership of the TBT Committee should be expanded to include all relevant stakeholders from both the public and private sectors in Lebanon.
6. Terms of Reference for the TBT Committee should be developed.
7. The vacant position of Head of the LIBNOR Information Center should be filled when the volume of enquiries handled by the TBT Enquiry Point warrants additional staff.
8. It is recommended that Ms. Norah participate in a study tour of an established Enquiry Point in the Arab region to learn first-hand the daily operations of an Enquiry Point.
9. Additional hands-on training in the day-to-day operation of an Enquiry Point is recommended so that staff is able to reinforce what was learned in the initial training and during the study tour.
10. Staff from the Enquiry Point in Lebanon should attend all future WTO Enquiry Point meetings (as an observer until Lebanon is a member of the WTO).
11. Operating procedures for the Enquiry Point and Notification Authority should be developed.
12. LIBNOR should acquire documents as necessary to ensure that the Enquiry Point has a complete collection of Lebanese technical regulations, standards, and information about conformity assessment programs.

13. A computer workstation should be made available in the Enquiry Point for on-site review of standards and related technical information by external users.
14. LIBNOR should subscribe to a commercial database of standards information to facilitate complete and accurate searching for standards for all sectors from a wide variety of sources.
15. A promotional campaign to create awareness of the Enquiry Point products and services should be developed.
16. The TBT Enquiry Point should develop a service to disseminate notifications electronically to interested parties in Lebanon, possible in cooperation with the SPS Enquiry Point.
17. It is recommended that the TBT Enquiry Point have access to the Customs database to enable staff to identify the technical requirements for products sold in Lebanon.
18. The TBT Enquiry Point in Lebanon should be responsible for providing copies of the full text of notified measures to other WTO members on request, and for handling any comments received by other members concerning notifications from Lebanon (once Lebanon is a WTO member).
19. It is recommended that regular meetings of the TBT and SPS Enquiry Point and the Notification Authority staff take place to ensure ongoing communication.

Annex A: Persons Met

USAID Project for Lebanon Accession to the WTO

- Zouha Sakr – Chief of Party
- Pascale Aramouni – WTO project
- Roudaina Yared – lawyer
- Joumana Atieh – Office Manager
- Dr. Abdel Kader Roshdy – Trade Advisor

United States Agency for International Development - Lebanon

Mr. Mark Wilt – Economic Growth Officer

Ministry of Economy and Trade

- Rita Feghali – UNDP project

Lebanese Standards Institution (LIBNOR)

- Lena Dargham – Acting Director General
- Maya Nohra – Information Officer
- Ali Hamden – Editor, Information Center
- Ghina El Meouch – Editor, Technical Department
- Joumana El Hoz – Food Engineering/Consulting & Training
- Dahlia Mansour – Food Processing Engineer
- Mohamad Chamas – ML Conformity Mark Engineer/Quality Manager

Ministry of Agriculture

- Lamy El Tawm – SPS Enquiry Point

Annex B: DRAFT TBT Committee Terms of Reference

The TBT Committee of Lebanon is established to advise LIBNOR and regulatory authorities and policy makers in Lebanon on issues related to the implementation and administration of the World Trade Organization (WTO) *Agreement on Technical Barriers to Trade* (TBT).

Objectives and Functions

1. Review the operation and administration of the TBT Agreement in Lebanon with regard to Enquiry Point and Notification Authority obligations
2. Review national developments in technical regulations, standards, and conformity assessment procedures with regard to the information and transparency obligations of the TBT Agreement
3. Review notifications issued by WTO members and coordinate responses as required
4. Review responses to Lebanon's notifications to the WTO
5. Review issues discussed in the WTO TBT Committee
6. Provide input for the Triennial Reviews of the WTO TBT Committee

Membership

The TBT Committee members are appointed to represent the following stakeholders in Lebanon:

- Ministry officials responsible for external trade
- Representatives of technical regulatory agencies
- Officials responsible for economic policy
- Representatives of industry groups
- Representatives of major trade associations
- Representatives of conformity assessment organizations
- LIBNOR (acts as Secretariat and Chair of the TBT Committee)

Source: Adapted from the *Manual of Model Procedures and Guidance Notes for the Implementation of the WTO Agreement on Technical Barriers to Trade* (International Trade Centre UNCTAD/WTO, Export Quality Bulletin No.82, April 2007)

Annex C: WTO TBT Enquiry Point Training for LIBNOR

November 3 – 12, 2010

- | | |
|-------------|--|
| November 3 | a) Review schedule
b) Complete questionnaire
c) WTO TBT Enquiry Point requirements |
| November 4 | a) Tools and Resources |
| November 5 | a) Discussion after TBT Committee meeting - Strengthening communications and coordination between the TBT Enquiry Point and authorities in Lebanon |
| November 8 | a) Overview of WTO TBT Enquiry Point roles and responsibilities for LIBNOR technical committee staff |
| November 9 | a) Information Products and Services
b) Coordination of TBT Enquiry Point, SPS Enquiry Point, and Notification Authority activities – meeting with counterparts |
| November 10 | a) Management <ul style="list-style-type: none">– establishing procedures– record-keeping– reporting– staffing b) Promotion
c) Practical exercises |
| November 11 | Seminar: <i>WTO TBT Enquiry Point and Notification Authority - Roles and Responsibilities</i> |
| November 12 | a) Planning: Establishing the TBT Enquiry Point for Lebanon <ul style="list-style-type: none">– personnel– equipment– reference materials– training– promotion |

Annex D: Resource Materials Given to LIBNOR

WTO Documents

1. National Enquiry Points (G/TBT/ENQ/37, 15 June 2010)
2. *Decisions and Recommendations Adopted by the Committee Since 1 January 1995 (G/TBT/1/Rev.9, 8 September 2008)*
3. *Transparency Requirements and Procedures (G/TBT/W/250, 16 February 2005)*
4. *Notification Procedures (G/TBT/W/153, 29 January 2001)*
5. *Fifteenth Annual Review of the Implementation and Operation of the TBT Agreement (G/TBT/28, 5 February 2010)*
6. *Notification Procedures Related to the Code of Good Practice for the Preparation, Adoption and Application of Standards Contained in Annex 3 of the WTO Agreement on Technical Barriers to Trade (G/TBT/W/4/Rev.1, 15 May 1995)*
7. *Procedural Step-By-Step Manual for SPS National Notification Authorities & SPS National Enquiry Points (February 2009)*
8. *Booklets on Enquiry Points (Annex F of G/TBT/1/Rev.9, 8 September 2008)*

Other Documents

1. *Manual of Model Procedures and Guidance Notes for the Implementation of the WTO Agreement on Technical Barriers to Trade (International Trade Centre UNCTAD/WTO, Export Quality Bulletin No.82, April 2007)*
2. *2002 APEC Handbook on Notification Authorities and National Enquiry Points under the Technical Barriers to Trade and Sanitary and Phytosanitary Agreements of the World Trade Organization*
3. Materials from training sessions
 - a. WTO TBT Enquiry Point Requirements
 - b. Tools and Resources
 - c. Information Products and Services
 - d. Management
 - establishing procedures
 - record-keeping
 - reporting
 - staffing
 - e. Promotion
 - f. Practical exercises handout

Annex E: Seminar on the World Trade Organization (WTO) Agreement on Technical Barriers to Trade (TBT)

-Roles and Responsibilities of the Enquiry Point and Notification Authority

**Beirut, Lebanon
November 11, 2010**

9:30	Welcome and Introduction Remarks
9:45	LIBNOR overview
10:00	Review of the WTO TBT requirements for transparency
10:15	Role and Responsibilities of the Enquiry Point & Review of the current status in Lebanon
11:00	Break
11:15	Role and Responsibilities of the Notification Authority & Review of the current status in Lebanon
12:00	Overview of the TBT Code of Good Practice for the Preparation, Adoption and Application of Standards
12:15	Group discussion: How can the TBT Enquiry Point/Notification Authority in Lebanon be of most benefit to the country?
13:00	Lunch
14:00	Responsibilities of the regulatory authorities in Lebanon
14: 15	Group discussion: What should be done to maximize the effectiveness of the regulatory authorities in Lebanon to meet the country's WTO TBT responsibilities?
15:00	Break
15:15	Next steps
15:30	Wrap-up and closing remarks

Annex F: WTO TBT Seminar Participants

- Roles and Responsibilities of the Enquiry Point and Notification Authority

Participants

Khaled Chaaban Ministry of Telecommunication	Joelle Elias Ministry of Economy and Trade
Maya Assaad Ministry of Economy and Trade	Tanios Rizk Ministry of Finance
Marwan Khaddaj Ministry of Labor	Joseph Touma Lebanese Agronomic Research Institute
Mona Nazzal United Management Bureau UMB-QMI	Ahmad Jezzini Jubeil Bros s.a.l.
Colonel Ziad Smeisme Ministry of Defense	Hassan Shaaban Ministry of Transportation, DGLMT
Youssef Obeid OGERO	Christian Jbeily Industrial Research Institute
Ahmad Habbal OGERO	Lina Assi Ministry of Industry
Refaat Akoum Zahrani Oil Installations	Adel Moussa Lecico
Zaher Abi Ghanem Customs	Dr. Samir Medawar Lebanese University - Agriculture School
Galeb Sibai Consumers Lebanon	Katia Al Nakouzi Arla Kallessi Foods
Torben Hansen Arla Kallessi Foods	Lina Yamout Ministry of Environment
Joseph Jreissati Wadih Jreissati et Fils	Mazen Islanbouli SGS
Farid Karam	Abbas Ramadan

MPH

Atef Wafic Idriss

MEFOSA

Michel Geahchan

Geahchan Group

Rita Feghali

MOET/UNDP

Leila Cortas

Cortas Canning & Refrigerating
Company

Jessica Wakim

Chamber of Industry & Trade

Samir Abi Abdallah

Bureau Veritas

Amal Koubeissy

Ministry of Agriculture

Karim Ghorayeb

Chamber of Commerce & Industry

Maya Nohra

LIBNOR

Eng. Dahlia Mansour

LIBNOR

Nassima Ghanem

Chamber of Commerce

Head of Library & Documents
Department

Joe Khalife

Order of Engineers & Architects of Tripoli

Mr. Mark Wilt

IDAL

Salem Hayar

Ministry of Agriculture

Hanadi Jaafar

Ministry of Agriculture

Antoun Faysal

Industrial Research Institute

Elias Razzouk

Cortas Canning & Refrigerating
Company

Samira Khalil

Nestle

Farah Abi Nassif

Ministry of Agriculture

Amani Mansour

Ministry of Agriculture

Robert Mitri

Syndicate of Importers of Medical
Equipment

Joumana El Hoz

LIBNOR

Mohamad Chamas

LIBNOR

Youssef Geha

Chamber of Commerce, Industry and
Agriculture of Zahle and the Beqaa

Ms. Lina Dargham

LIBNOR

Dr. Abdel Kader Roshdy

USAID

Ms. Zouha Sakr

USAID Project for Lebanon Accession to
the WTO

Consultant

Ms. Pascale Aramouni

USAID Project for Lebanon Accession to
the WTO

Annex G: WTO TBT Seminar - Breakout Sessions

- Roles and Responsibilities of the Enquiry Point and Notification Authority

Two breakout sessions were held during the seminar, where participants were organized into groups to discuss the TBT Enquiry Point, Notification Authority, and regulatory authorities in Lebanon with regard to meeting the country's WTO responsibilities. Following is a summary of the group discussions:

1. How can the TBT Enquiry Point/Notification Authority in Lebanon be of most benefit to the country?
 - Draft technical regulations should be sent to the Notification Authority at the Ministry of Economy and Trade
 - Ministries should be committed to providing information to the Enquiry Point and Notification Authority
 - Suggest using a standard form for collecting information from the ministries
 - Enquiry Point and Notification Authority staff need Terms of Reference and position descriptions
 - Need close coordination between TBT and SPS committees in Lebanon
 - Enquiry Point should have an electronic information system linked to the ministries
 - Enquiry Point should have access to databases and reference materials to enable them to answer requests for information promptly
 - Enquiry Point should establish a network of external agencies / contact person in each ministry
 - Enquiry Point provides enhanced market access for exporters
 - Improved safety of consumers, environment, health, etc. through requirement to use international standards is a benefit of adhering to the TBT Agreement
 - Enquiry Point provides a central place for information
 - Enquiry Point provides continual updating of information
 - Enquiry Point provides providing accurate information
 - Enquiry Point offers promotion, communication, and awareness through website (24/7 access, FAQs), training, e-newsletters, etc.
 - Involvement of private sector in TBT issues is a benefit
 - Enquiry Point should use Chambers, etc. to help disseminate information
2. What should be done to maximize the effectiveness of the regulatory authorities in Lebanon to meet the country's WTO TBT responsibilities?
 - Establish mechanism between Notification Authority and ministries
 - Coordination between the various concerned parties in Lebanon (LIBNOR, ministries, technical committees, Parliament, Notification Authority, Council of Ministers, etc.)

- Enquiry Point to convey information about notifications to stakeholders in Lebanon
- Need to develop procedures to issue Decisions at draft stage for notifications
- Promotion and awareness
- Time limits for regulatory measures
- More technical cooperation and coordination at bilateral, regional, and international levels
- Administrative reform (implementation issue)